

## United States District Court

E-FILED

NORTHERN DISTRICT OF CALIFORNIA  
UNITED STATES OF AMERICA

V.

MOSQUEDA-TINOCO, JUAN  
a/k/a: MOSQUEDA, JUAN MANUEL

CRIMINAL COMPLAINT

CASE NUMBER:

06 70671 PVT

(Name and Address of Defendant)

**Filed**  
OCT 19 2006  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than September 01, 2006 in Monterey County in the Northern District of California defendant(s) did, (Track Statutory Language of Offense)

Unlawfully re-enter and was found in the United States after deportation, without the permission of the Attorney General or the Secretary of the Homeland Security.

in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Special Agent and that this complaint is based on the following

Official Title

facts:-

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and

a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant / government will request detention.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

10/19 2006

at San Jose, California  
City and State

Patricia V. Trumbull  
United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer

**AFFIDAVIT OF SPECIAL AGENT PERCY ORUM**

I am a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), formerly known as the United States Immigration and Naturalization Service ("INS"). The departmental change from INS to ICE became effective on March 01, 2003, pursuant to Executive Orders of the Homeland Security Act. I have been employed with INS/ICE since March 05, 1980. I am currently assigned to the Alien Criminal Apprehension Program ("ACAP") Unit of the San Jose Sub-office. In such capacity, I have reviewed the official file relating to the below named individual, which attests to the following:

- (1) MOSQUEDA-TINOCO, JUAN ("MOSQUEDA") is a 33-year-old male native and citizen of Mexico, who has used seven (07) aliases and two (02) dates of birth in the past.
- (2) MOSQUEDA, has been assigned one (1) Alien Registration number of A044 076 548, FBI number of: 195844MB5, and a California Criminal Information Index number of: A12560572.
- (3) On June 22, 2001, MOSQUEDA was convicted in the Superior Court of the State of California, in and for the County of Monterey, for the offense of ASSAULT WITH A DEADLY WEAPON., A FELONY, in violation of Section 245 (A)(1) of the California Penal Code. This is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(F).
- (4) A check through ICE's records shows that MOSQUEDA was arrested and deported on one (01) occasion from the United States: on September 15, 2003 at Nogales, Arizona.
- (5) MOSQUEDA last entered the United States at or near an unknown place and date after September 15, 2003, by crossing the international border without inspection subsequent to deportation.
- (6) MOSQUEDA, on a date unknown but no later than September 01, 2006, at the Monterey County Jail, Salinas, California, was found to be unlawfully present in the United States after prior arrest and deportation, without the permission of the Attorney General or the Secretary of the Homeland Security, in violation of Title 8, United States Code, Section 1326.

- (7) On September 01, 2006, MOSQUEDA was interviewed by affiant at the Monterey County Jail, Salinas, California, Northern District of California. During that interview, in Spanish, MOSQUEDA was advised of his Miranda rights. MOSQUEDA refused to waive his rights and to give a sworn statement. MOSQUEDA admitted alienage. Additional information concerning alienage, prior deportation and MOSQUEDA's failure to obtain permission from the Attorney General or the Secretary of the Homeland Security to return to the United States after deportation was obtained from MOSQUEDA's alien file, ICE, state, FBI, and local checks.
- (8) On September 01, 2006, MOSQUEDA provided his right thumb and right index fingerprints with his sworn statement. A latent print examiner at the Santa Clara County Sheriff's Department compared those fingerprints with MOSQUEDA's fingerprints on the executed Warrant of Deportation and his Santa Clara County Booking fingerprints. The latent print examiner determined that the fingerprints were identical and related to MOSQUEDA.
- (9) There is no record in the official file of the United States Department of Homeland Security, Immigration and Customs Enforcement that MOSQUEDA ever applied to the Attorney General or the Secretary of the Homeland Security to reenter the United States after deportation.
- (10) MOSQUEDA is currently in custody at the Monterey County Jail, Salinas, California on state charges with a pending release date.

[illegible]

- (11) On the basis of the above-described information, there is probable cause to believe that MOSQUEDA illegally entered the United States, in violation of Title 8, United States Code, Section 1326. MOSQUEDA was found in the United States after having been deported, and he had not sought permission from the United States Attorney General or the Secretary of the Homeland Security to re-enter the United States.

[illegible]



Percy Orum  
Special Agent  
U.S. Immigration and Customs  
Enforcement

Subscribed and sworn to before me this 19 day of Oct, 2006.

Patricia V. Mullen

PATRICIA V. TRUMBULL  
UNITED STATES MAGISTRATE  
JUDGE